

REMARKS

Applicants respectfully request reconsideration. Claims 6, 37-40 and 57-67 were previously pending in this application. By this amendment, Applicant is canceling claims 38 and 67 without prejudice or disclaimer. Claims 6, 37, 39, and 57-66 have been amended. Claim 6 has been amended to remove the hybridization conditions. Claim 37 has been amended to remove reference to the plurality of sequences and to clarify that the composition comprises a protein encoded by a nucleic acid molecule selected from the group consisting of SEQ ID NO: 1, 2, 3, 4 and 5. Support for the amendment can be found at least in the claim as originally filed. Claim 39 has been amended to change its dependency from now-cancelled claim 38 to claim 37. Claims 57-66 have been amended to change the language "comprising" to "consisting of". As a result, claims 6, 37, 39, 40, and 57-66 are pending for examination with claims 6 and 37 being independent claims. No new matter has been added.

Rejections under 35 U.S.C. §112, first paragraph

Written Description

The Examiner rejected claims 6 and 57-61 under 35 U.S.C. §112, first paragraph as lacking adequate written description. Applicants have amended claim 6 to remove the hybridization language from the claim and to indicate that the isolated protein is encoded by an isolated nucleic acid molecule selected from the group consisting of SEQ ID NOs: 1, 2, 3, 4, and 5. The application as filed provides SEQ ID NOs: 1, 2, 3, 4, and 5, thus Applicants submit that the claim as amended satisfies the written description requirement.

Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 6 and 57-61 under 35 U.S.C. §112, first paragraph.

Enablement

The Examiner rejected claims 6 and 57-61 under 35 U.S.C. §112, first paragraph as lacking enablement. Applicants have amended claim 6 to remove the hybridization language from the claim and to indicate that the isolated protein is encoded by an isolated nucleic acid molecule selected from the group consisting of SEQ ID NOs: 1, 2, 3, 4, and 5. The Examiner states on page 5 of the Office Action mailed November 16, 2004 that the specification is

enabling for proteins encoded by SEQ ID NOs: 1-5. Therefore, Applicants submit that the specification is enabling for the claims as amended.

Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 6 and 57-61 under 35 U.S.C. §112, first paragraph.

The Examiner rejected claims 37-40 and 62-67 under 35 U.S.C. §112, first paragraph as lacking enablement. Applicants have cancelled claims 38 and 67 and have amended claim 37 to indicate that the composition comprises a protein encoded by a nucleic acid molecule selected from the group consisting of SEQ ID NOs: 1, 2, 3, 4, and 5. Applicants submit that SEQ ID NOs: 1, 2, 3, 4, and 5 are provided in the specification as filed, and that the specification is enabling for the claims as amended.

Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 37, 39, 40, and 62-66 under 35 U.S.C. §112, first paragraph.

Serial No.: 09/502,945
Conf. No.: 5906

- 7 -

Art Unit: 1642

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call Applicants' Attorney at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants' Attorney hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By: Mary Dilys S. Anderson
Mary Dilys S. Anderson, Reg. No. 52,560
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: L0461.70081US00
Date: February 16, 2005
x02/16/05x